IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

EATON CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 00-751-SLR
	)	
PARKER-HANNIFIN CORPORATION,	)	
	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

At Wilmington this 24th day of January, 2003, having reviewed the parties' motions in limine and the papers filed in connection therewith;

IT IS ORDERED that:

1. Plaintiff's motion in limine to preclude defendant from introducing materials, evidence, or testimony related to alleged inequitable conduct during the prosecution of the '895 patent in connection with the '682 or '910 patents (D.I. 102) is denied. Given the fact that inequitable conduct will be tried to the court, there is no concern that a jury will be confused or prejudiced by the issue of "infectious inequitable conduct." Inequitable conduct charges are disfavored by this court and charges of "infectious inequitable conduct" even more so. Therefore, the court will narrowly construe the issue in accordance with the Federal Circuit's jurisprudence. However, the court will not preclude defendant from spending its time on whatever relevant issues it chooses to pursue, particularly in

the context of a bench trial.

2. Plaintiff's motion in limine to preclude defendant from using or referring to the deposition testimony of Russell L. Rogers with respect to claim interpretation or infringement (D.I. 106) is granted in part and denied in part. The motion is granted to the extent that, if Mr. Rogers testifies at trial for plaintiff regarding the coupling industry in general, the level of a person of ordinary skill in the art, the prior art available at the time, or actual couplings in use at the time, his deposition testimony related to validity is irrelevant and will not be admitted in connection with any witness. However, since a validity analysis must refer to the "invention" as defined by the claims, the motion is denied to the extent that, if Mr. Rogers testifies at trial for plaintiff regarding the validity of any of the patents in suit (e.g., comparing the prior art to the claimed inventions), he will have "opened the door" and all of his deposition testimony is relevant and will be admissible.

3. Defendant's motion in limine to preclude certain testimony of Dr. Edward M. Caulfield (D.I. 100) is granted to the extent that Dr. Caulfield may not give testimony that is inconsistent with the court's claim construction.[1]

[1]Mr. Rogers' testimony is discussed in the preceding paragraph.

Sue L. Robinson
United States District Judge